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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

GERALDINE MEYERS,

Defendant and Appellant.

D052850

(Super. Ct. No. SCE266416)

APPEAL from a judgment of the Superior Court of San Diego County, Laura Halgren, Judge. Affirmed.

A jury found Geraldine Meyers guilty of second degree murder (Pen. Code, §§ 187, 189) with personal discharge of a firearm proximately causing death (Pen. Code, § 12022.53, subd. (d)). The court sentenced her to a prison term of 40 years to life: 15 years to life for second degree murder and 25 years to life for personal discharge of a firearm. Meyers appeals. We affirm.

## BACKGROUND

Meyers was physically fit, worked as a personal trainer and a kickboxing instructor, and had a strong personality. She became romantically involved with Demetrius Warren in 1998. Warren was fit and muscular. Meyers told others that he was physically abusive.

In 2006 Warren became involved with another woman, and Meyers became involved with a man she had met on the Internet, Auteria Winzer. Some of the e-mails between Meyers and Winzer were admitted at trial.

On November 20, 2006, Meyers went to the manager's office at her apartment complex, hysterical and upset, and asked the manager to call 911. Meyers left, returned a few minutes later, and said, "I thought he was going to beat me again so I shot him." She put a gun on the counter.

A police officer found Warren's body face down on the floor of Meyers's apartment. There were three bullet holes in his head, two entrance wounds and one exit wound.

## DISCUSSION

Appointed appellate counsel has filed a brief summarizing the facts and proceedings below. He presents no argument for reversal, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, he lists, as possible, but not arguable, issues: (1) whether trial counsel was constitutionally ineffective for not seeking a psychological

evaluation of Meyers; (2) whether the court erred by admitting e-mails between Meyers and Winzer; (3) whether the evidence is constitutionally insufficient to support the murder conviction because there was no evidence of malice; and (4) whether the evidence that Meyers unlawfully killed Warren is legally insufficient in light of the evidence she was a battered woman.

We granted Meyers permission to file a brief on her own behalf. She has not responded. A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738, including the possible issues listed pursuant to *Anders v. California, supra*, 386 U.S. 738, has disclosed no reasonably arguable appellate issues. Meyers has been competently represented by counsel on this appeal.

#### DISPOSITION

The judgment is affirmed.

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O'ROURKE, J.

WE CONCUR:

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HUFFMAN, Acting P. J.

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HALLER, J.